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HOUSE BILL 393

52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015

INTRODUCED BY

Antonio "Moe" Maestas

AN ACT

RELATING TO CRIMES; AMENDING THE DEFINITION OF "KIDNAPPING";
AMENDING THE PENALTIES FOR KIDNAPPING.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 30-4-1 NMSA 1978 (being Laws 1963,
Chapter 303, Section 4-1, as amended) is amended to read:

"30-4-1. KIDNAPPING.--

A. Kidnapping is the unlawful taking, restraining,
transporting or confining of a person, by force, intimidation
or deception, with intent:

(1) that the victim be held for ransom;

(2) that the victim be held as a hostage or
shield and confined against ~~his~~ the victim's will;

(3) that the victim be held to service against
the victim's will; or

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underscoring material = new
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1 (4) to inflict death, physical injury or a
2 sexual offense on the victim.

3 ~~[B. Whoever commits kidnapping is guilty of a first~~
4 ~~degree felony, except that he is guilty of a second degree~~
5 ~~felony when he voluntarily frees the victim in a safe place and~~
6 ~~does not inflict physical injury or a sexual offense upon the~~
7 ~~victim.]~~

8 B. To give rise to a kidnapping conviction, the
9 taking, restraining, transporting or confining conduct must
10 substantially interfere with the victim's liberty and carry
11 significance beyond facilitating the commission of another
12 offense.

13 C. Whoever commits kidnapping and:

14 (1) voluntarily frees the victim in a safe
15 place and does not inflict physical injury or a sexual offense
16 upon the victim is guilty of a third degree felony;

17 (2) voluntarily frees the victim in a safe
18 place but inflicts physical injury or a sexual offense upon the
19 victim is guilty of a second degree felony; and

20 (3) does not voluntarily free the victim in a
21 safe place and inflicts physical injury or a sexual offense
22 upon the victim is guilty of a first degree felony.

23 D. Conduct relied upon to increase the penalty for
24 kidnapping for inflicting physical injury or a sex offense upon
25 the victim shall not separately form the basis for a separate

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criminal conviction."

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